

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION CORPORATION, Plaintiff-Applicant, v. BERNARD L. MADOFF INVESTMENT SECURITIES LLC, Defendant.	Adv. Pro. No. 08-01789 (BRL) SIPA LIQUIDATION (Substantively Consolidated)
In re: BERNARD L. MADOFF, Debtor.	
IRVING H. PICARD, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC, and Bernard L. Madoff, Plaintiff, v. KOCH INDUSTRIES, INC., as successor in interest to Koch Investment (UK) Company, Defendant.	Adv. Pro. No. 12-01047 (BRL)

**[PROPOSED] ORDER GRANTING MOTION OF KOCH INDUSTRIES, INC.
TO DISMISS THE COMPLAINT**

Upon the motion of Defendant Koch Industries, Inc. for dismissal of this action pursuant to Federal Rule of Civil Procedure 12(b)(6) on the ground that Plaintiff's complaint [ECF No. 1] fails to state a claim on which relief may be granted (the "Motion"); and the Court having considered the Declaration of Jonathan P. Guy in support of the Motion; and it further appearing that the relief sought in the Motion is appropriate; and it further appearing that this Court has

jurisdiction to consider the Motion and the relief requested therein pursuant to 28 U.S.C. §§ 157 and 1334; after due deliberation; and sufficient cause appearing therefore; it is

ORDERED, that Plaintiff's claims in this adversary proceeding are dismissed with prejudice; and it is further

ORDERED, that the Clerk of Court is directed to close this adversary proceeding.